

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LAURIE-JO STRATY, TEXAS ALLIANCE
FOR RETIRED AMERICANS, and
BIGTENT CREATIVE,

Plaintiffs,

vs.

GREG ABBOTT, in his official capacity as Governor of the State of Texas; and RUTH HUGHS, in her official capacity as Texas Secretary of State,

Defendants.

Civil Action No. 1:20-cv-1015

Related to:

Texas League of United Latin American Citizens v. Abbott, No. 1:20-cv-1006

**DECLARATION OF ELLEN STUPAK-SHAW IN SUPPORT OF PLAINTIFFS'
MOTION**

Pursuant to 20 U.S.C. § 1746, I, Ellen Stupak-Shaw, declare as follows:

1. My name is Ellen Stupak-Shaw. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. I live in the Spring Branch neighborhood of Houston, Texas, which is located in Harris County.

3. I am 69 years old. I worked as a school teacher for 39 years. Although I am retired now, I remain active in my community. I am currently a member of the Texas Alliance of Retired Americans. In addition, I volunteer as an election judge.

4. Although I usually vote in person, I do not feel safe doing so during the coronavirus pandemic. I have rheumatoid arthritis and asthma. Those conditions, and the medication I take because of them, make me particularly vulnerable to the virus. On top of that, my age and weight also make me particularly vulnerable to the virus. For that reason, my husband and I have been

strictly quarantining since March. Although we have seen a small number of family members, we have avoided restaurants and other public places.

5. In addition to the sense of pride I and others gain from voting in person, doing so helps me ensure that my vote will be counted. But because of the pandemic, and my vulnerabilities to COVID-19 exposure, voting in-person is not an option for me. Because of my age, I am eligible to vote by mail. And just over two weeks ago, I submitted my mail ballot application for the November general election. But I am worried about voting by mail for several reasons.

6. I worry about the United States Postal Service’s (“USPS”) ability to return my ballot on-time. I have followed the well-reported delivery delays resulting from the closure of a sorting machine in the Houston area, and have heard many stories from others about their mail service being delayed. I follow local happenings on the smartphone application “Nextdoor.” On Nextdoor, I’ve seen residents of the Houston area complain about mail delivery delays. I am not confident that my ballot will be timely delivered.

7. Although I am aware that curbside voting is an option, I do not think it is a safe option for me. I understand that curbside voting requires several points of contact with an election worker. You must pass your driver’s license back and forth, and then pass the registered-voter check-in tablet back and forth, and then you must pass the e-slate used for voting back and forth. I also know that the Secretary of State is encouraging sick voters to vote curbside. I simply cannot risk coming into contact with the virus by voting curbside.

8. Just days ago, I planned to return my own ballot at one of the satellite drop-off locations in Harris County. Prior to Governor Abbott’s proclamation, there was a location at which I could drop off my ballot close to my house. That option appealed to me because it did not require me to travel very far, it involved little contact with others, and I would know that my ballot had

been received in time to be counted. On top of that, because there were so many other locations in Harris County where others could return their own ballots, I did not anticipate encountering any lines.

9. However, because of the Governor's October 1 proclamation, I now know that I can only return my ballot at a single location. I am also worried that others, many of whom may rely on the information I gave them about there being multiple return locations, will still believe they can drop off their ballot at satellite drop-off locations in Harris County.

10. Due to Governor Abbott's proclamation, there is only one drop-off location in all of Harris County. The drop-off location is approximately 17 miles from my house, as the crow flies, but it is not easy 17 miles to traverse. The single drop-off location is in a high-traffic area. Even for the vast majority of Houston-area residents, it requires traveling on the freeway. I know many older voters simply do not drive on the freeway. And traffic in the Houston area can be terrible. With traffic, it could take me 45 minutes just to drive to the drop-off location. On top of that, the single drop-off location that will be available to Houston voters is located in the NRG Center, next to the Houston Astrodome. The NRG Center is difficult to enter and exit. You can get stuck in that parking lot for hours, if it is crowded. Those are the troubles voters in the Houston area will face, but Harris County is a large county. Many other voters would have to travel far father to reach the NRG Center.

11. Given how many voters live in Harris County, Texas, I am concerned that lines to use the drop box may be long and that I may travel all that way only to find myself in a situation where I have to go home and attempt to make the trip again and hopefully find the area less crowded. Ultimately, even if I cannot find a time to drop off my ballot when there is no line or

only a short line, I will still wait. Voting is that important to me. But I worry that other voters will be unable or unwilling to wait in a long drop off line and will end up not voting at all.

12. In contrast, the satellite location near my home is incredibly easy to get to. It does not require traveling on the freeway, and I could be in and out in mere minutes. It will take me significantly longer to drop-off my ballot and return home than it would have taken me to drop-off and return my ballot to the location near my house.

13. I am also concerned that many of my friends and neighbors will not learn that they cannot drop off their ballots at the locations they had been planning on using until it is too late to mail in their ballots and have them be counted.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: October 4, 2020

DocuSigned by:
By: 
Ellen Stupak-Shaw
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